

CHAPTER 12 – IMPLEMENTATION

The *2010 Town of Denton Comprehensive Plan* is intended to capture a vision of the future of Denton. As such, it provides a basis for a wide variety of public and private actions and development decisions which are to be undertaken in the Town. It provides general guidelines to the local community in order that piecemeal improvements or day-to-day decisions can be properly evaluated against a long-range framework and their relationship to existing settlement patterns. The Land Use and Growth Elements portray a conceptual development pattern for the build-out of the community. Although not a detailed blueprint, the Plan is a clear guide to patterns of development which permit orderly and economical growth of the community in a manner which can be most efficiently served with a variety of governmental services and facilities.

Progress Since 1997

Following adoption of the *1997 Denton Comprehensive Plan* the Town proceeded to implement most of the recommendations of that plan, most notably the following:

- The Mayor and Council adopted the 1997 Denton Comprehensive Plan after appropriate review, discussion, and public hearings.
- The Planning Commission completed comprehensive revisions to the zoning ordinance, zoning maps, and subdivision regulations to implement the land use policies of the Comprehensive Plan which were adopted by the Town Council.
- The Planning Commission completed special studies and projects that examine specific land policies and implementation alternatives, including the West Denton Master Plan study, the Sixth Street Streetscape Study, the Sixth Street Commercial Development Study, and Regional Commercial Overlay District study, the Medical District Concept Study, and others.
- Through course work and individual initiative, the Planning Commission has improved its ability to critically review development proposals to ensure consistency with the Comprehensive Plan, and the requirements of the Denton Zoning Ordinance and Subdivision Regulations.
- The Planning Commission and staff have taken positive steps to improve work relations with the County Planning Commission and staff.

In 1997 Denton completed a comprehensive rezoning, amending the text of the Zoning Ordinance and the Official Zoning maps to reflect the recommendations of the *1997 Comprehensive Plan*. Since then the Town has adopted several key zoning ordinance amendments and related implementation tools that have significantly improved the effectiveness of zoning as a tool for guiding community growth and revitalization. The following sections briefly describe these amendments.

Historic District Overlay Zone

As part of the 1997 rezoning process, the Town adopted a local historic district overlay zone. This overlay zone (described in Chapter 11) established a Historic and Architectural Review Commission whose responsibilities include assuring that development activities occurring in the

Denton historic district comply with standards and guidelines. As the Zoning District states, the purpose of the Historic Overlay Zone is:

- safeguard the heritage of the Town by preserving areas and structures which reflect elements of its cultural, social, economic, political, or architectural history or pre-history;
- stabilize and improve property values in the area of historic districts and strengthen the local economy;
- foster civic beauty;
- promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents of the Town, County, the State of Maryland, and the United States of America;
- develop an awareness among property owners of the value of preserving, protecting, and restoring areas of historical significance; and
- enable the Town government to identify and officially designate structures and sites of historical and cultural importance to the Town in order to protect, preserve, and promote the continued use and enhancement of the identified structures and sites; and, in order to make such structures and sites eligible for specific benefits conferred by this and other Town ordinances and policies which may be adopted.

The Town has assisted the Historic and Architectural Review Commission in its efforts to raise awareness of the Town historic and cultural resources by preparing a guidance publication and information mailings to property owners in the historic district.

Residential Infill and Redevelopment Guidelines

The Town adopted residential infill and redevelopment guidelines to implement the recommendations of the Comprehensive Plan concerning neighborhood conservation and redevelopment areas and to ensure appropriate infill development and redevelopment in existing residential neighborhoods. The Residential Infill and Redevelopment Guidelines were incorporated as part of the Zoning Ordinance and have the effect of law. These guidelines apply to new residential principal structures, or accessory structures located in the Community Development Program areas as set forth in the Denton Comprehensive

Commercial Infill and Redevelopment Guidelines

The Town adopted Commercial Infill and Redevelopment Guidelines as a means of improving the visual and functional characteristics of its commercial areas. Like the Residential Infill and Redevelopment Guidelines, these commercial guidelines were incorporated as part of the Zoning Ordinance and have the effect of law. The purposes served by the guidelines are

- Protect the character of existing historic commercial areas;
- Improve the visual appearance along major highway and street corridors;
- Improve access and circulation to and within commercial and business sites;
- Improve sales and property values;
- Encourage appropriate design linkages between sites; and
- Require context-sensitive site planning and building design.

The guidelines supplement community appearance standards that were adopted in 1997.

Planned Neighborhood Floating Zone

The Planned Neighborhood Floating Zone is one of the primary implementation tools adopted by the Town to ensure that new large-scale developments are well-planned, mix-use neighborhoods that exhibit the following characteristics:

- integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
- a range of housing types and densities to accommodate a diverse population of age groups and income levels;
- compact design;
- interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking;
- open spaces integral to the community; and
- location adjacent to and extending the fabric of existing development.

The guidelines and standards included in the Planned Neighborhood Floating Zone address the many aspects of place making including design for vehicular and pedestrian circulation, buildings and architecture, open space, landscaping, and natural resource protection, and efficient use of land and infrastructure. The development review process gives Town officials a stronger role in order to ensure that the design of new development is consistent with the existing character of the Town. The review process includes execution of a Developers Rights and Responsibilities Agreement (DRRA) that, among other things, addresses payment of fees to address development impacts.

Redevelopment District

As part of its commitment to community revitalization, the Town adopted zoning provisions to permit redevelopment districts. The redevelopment district is intended to encourage urban renewal through master planned, revitalization, and redevelopment of existing infill properties in areas of the Town that exhibit blighted or slum conditions. The objectives for use of this district are to:

- Undertake urban renewal by redeveloping and rehabilitating slum or blighted properties or neighborhoods pursuant to a master redevelopment plan;
- Restore existing neighborhood communities and stimulate revitalization by promoting reuse and redevelopment of existing infill lots within the Town;
- Provide workforce housing opportunities to accommodate a diverse population of age groups, income levels, and professions;
- Expand the Town's housing supply with a variety of rents and price ranges;
- Require efficient utilization of existing underutilized infill properties within the Town; and
- Encourage appropriate development of underutilized properties and consolidation of developable land for redevelopment where it will achieve a more efficient land use and improved site design.

Design standards applicable to an approved redevelopment project promote compatible infill and redevelopment by, among other things, allowing development on sites that may not meet the minimum land area and dimension requirements of the current zones. Two major redevelopment

projects have been approved thus far. One project involved the creation of an Arts and Entertainment District. The other project, currently approved, involves replacing five existing dilapidated residential units with twenty-five new, moderately priced residential units.

Arts and Entertainment District

The Maryland Department of Business and Economic Development created the Arts and Entertainment District Designation in 2001 as a way to stimulate the economy and improve quality of life in cities and small towns across the State. Local jurisdictions, municipalities, or counties that receive State designation for an Arts and Entertainment District within their boundaries qualify for tax incentives provided by the State.

An Arts and Entertainment (A&E) District is defined by Americans for the Arts as a well-recognized, labeled, mixed-use area of a town or city in which a high concentration of arts and cultural facilities serve as the anchor attraction.

The benefits offered to designated districts include:

- property tax credits for renovation of certain buildings that create live-work space for artists, and/or space for arts, and entertainment enterprises;
- an income tax subtraction modification for income derived from artistic work sold by qualifying residing artists;
- an exemption from the Admissions and Amusement tax levied by an arts and entertainment enterprise, or, qualifying residing artist in a district.

Denton applied for, and received, A&E District designation in 2005 for the area within the Town's Central Business District, as part of the Fourth Street Redevelopment Project.

Chesapeake and Atlantic Coastal Bays Critical Area

The Town adopted a Critical Area Program to protect and enhance its environmental resources. Following adoption, the Town included appropriate Critical Area development standards in the Denton Zoning Ordinance and Subdivision Regulations. These standards apply to any development activities which will affect land use in the critical area. Proposed development projects must be reviewed by the Town and proposed development activity must comply with the regulations of the Critical Area Overlay Zone in addition to applicable County, State, and Federal laws. The Town updated its Critical Area Program and implementation provisions in 2003.

In 2008, the State Legislature, with House Bill 1253, empowered the Critical Area Commission (CAC) for the Chesapeake and Atlantic Coastal Bays to adopt regulations. The CAC has adopted: 1) State & Local Government Notice Requirements, 2) Lot Consolidation & Reconfiguration, and 3) Buffer Regulations and more are planned. The Town has adopted some and will adopt other ordinances to conform to these regulations.

Implementation Recommendations

The following describes recommended actions to be undertaken by the Town to implement the objectives and policies contained in this Plan.

1. As appropriate, amend the Zoning Ordinance and Subdivision Regulations to implement the recommendations of the Denton Pattern Book. Such revision may include development standards, guidelines, and/or incentives.
2. Work with the County to undertake a sub-watershed planning process for the Denton region.
3. Work with the County to development appropriate funding mechanisms for land preservation in Denton's Greenbelt.
5. Utilize the Transportation Model established by Salisbury University, or appropriate Traffic Engineering expertise, to evaluate the planned road improvements identified in the Transportation Element of this Plan.
6. Prepare and adopt an official Transportation Map that identifies where new streets and pedestrian links will be built.
7. Develop a community park in the east Denton area.
8. Request the County amend the *Caroline County Master Water and Sewer Plan* to reflect the recommendations of this plan.
9. Amend the Denton Municipal Priority Funding Area (PFA) boundary to reflect the recommendations of this plan. Have the PFA boundary certified by the State.
10. Work with the County and regional organizations to address affordable housing issues.

Annexation Policies

The Comprehensive Plan maps out the proposed build-out limits of the Town. All properties located within this growth area, and no others, are eligible for annexation. This policy includes small properties where annexations will be undertaken to clarify boundaries, prevent "enclaves", and extend service to areas in need of municipal services for health or safety reasons.

Prior to annexing any land area not included in the current growth plan, the Town will first consider appropriate amendments to this Comprehensive Plan and will follow the procedural requirements for comprehensive plan amendments and annexation established in State law, including those of House Bill 1141. This will ensure that the proposed annexation is consistent with the goals and objectives of the comprehensive plan, that appropriate consideration has been given to the adequacy of public facilities and services, and that the County and State agencies are afforded an opportunity to comment on the proceedings.

Financial policy is equally important to public policy criteria for annexation and for resolving practical problems for people living in future Town areas. Financial considerations play a paramount role in determining the course of future annexations both from the standpoint of the Town and its current residents and prospective residents of the area proposed for annexation. The Town completed a comprehensive study that evaluates the fiscal impacts of implementing the Town's growth plan on the costs of providing Town services and facilities. To avoid Town-County conflicts which might result from annexation, the following annexation policies have been adopted to guide for future annexation efforts.

- The primary purpose of annexation should be to provide existing residents and future citizens of the area with public facilities and services necessary for protection of health and property.
- Proposed annexation areas will be economically self-sufficient and will not result in larger municipal expenditures than anticipated revenues, which would

indirectly burden existing Town residents with the costs of services or facilities to support the area annexed.

- The costs of providing roads, utilities, parks, and other community services will be borne by those people gaining the most value from such facilities through either income, profits, or participation.
- Specific conditions of annexation will be made legally binding in an executed annexation agreement. Such agreements will address, among other things, zoning and development expectations, responsibility for appropriate studies, and preliminary agreements concerning responsibilities for the cost of facilities and services provided by the Town. These preliminary agreements may be further revised in a Development Rights and Responsibility Agreement (DRRA).
- For annexations involving larger parcels of land, the Town may require appropriate impact studies, including an environmental impact assessment that addresses the potential impact of the proposed annexation and planned development on the environment of the site and surrounding area.
- If necessary, applicants for annexation shall pay the cost of completing all studies related to expanding capacity in existing public facilities and/or services.

Interjurisdictional Coordination

The Economic Development Planning and Resource Protection Act of 1992 directs local governments and the State to coordinate their planning and development efforts to achieve the “Eight Visions.” Under the Act, local governments must adopt comprehensive plans which include the State’s Visions. Zoning and other planning implementation mechanisms must be consistent with these plans. Under the Planning Act, local comprehensive plans must include recommendations for improving planning and development processes to encourage economic expansion, and to direct future growth to appropriate areas. Such development and economic growth often have interjurisdictional impacts on transportation infrastructure, environment, and other areas of concern. For this reason, it is necessary for planning, growth strategies, and policies to promote and encourage cooperation among adjacent jurisdictions.

The 2009 Smart, Green, and Growing Legislation passed by the Maryland General Assembly, outlined twelve Planning Visions toward a more sustainable, more livable, and less costly future. The Visions address quality of life, public participation, growth areas, community design, infrastructure, transportation, housing, economic development, environmental protection, resource conservation, stewardship, and implementation approaches. These twelve Planning Visions are addressed throughout the Comprehensive Plan and will form a basis for interjurisdictional discussion.

House Bill 1141 (Land Use – Local Government Planning) requires the Town to include in the comprehensive plan a growth element that specifies where the municipality intends to grow outside its existing corporate limits. The Town must discuss how it intends to address service, infrastructure, and environmental protection needs for identified growth areas and surrounding environs.

A plan for the growth of Denton is included in this Comprehensive Plan. This document also includes strategies that address water and sewer service, stormwater management, and environmental impact associated with the build-out of the Town’s growth area. Preparation of

the growth element included a complete analysis of land capacity available for development, including infill and redevelopment and an analysis of the land area needed to satisfy demand for development at densities consistent with the Denton Comprehensive Plan and State “smart growth” legislation.

House Bill 1141 requires the Town to consult with Caroline County concerning its growth element. Prior to approving the Town’s growth element, the Town will provide a copy of the Comprehensive Plan to the County, accept comments from the County on the growth element, meet and confer with the County regarding the growth element and on request of either party engage in mediation to facilitate agreement on a growth element. The bill encourages municipalities and counties to participate in joint planning processes and agreements.